

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1579

Introduced by Assembly Member Stone
(Principal coauthor: Senator Mitchell)

January 30, 2014

An act to amend Section 11450 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1579, as amended, Stone. CalWORKs: pregnant mothers.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law provides that when a family does not include a needy child qualified for aid under CalWORKs, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the 3-month period immediately prior to the month in which the birth is anticipated.

This bill would instead provide that when a family does not include a needy child qualified for aid under CalWORKs, aid shall be paid to a pregnant woman each month that she is pregnant, beginning the month *after in* which she submitted verification of her pregnancy to the county.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Healthy Babies Act of 2014.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) Women who experience multiple stressful situations during
5 pregnancy, such as homelessness, hunger, violence, and deep
6 poverty, are more likely to have premature and low birth weight
7 babies, or to experience high rates of mother and infant mortality.
8 The cost of medical care for pre-term births is much higher than
9 for full-term births, and the human costs of infant mortality are
10 immeasurable.

11 (b) Children whose birth mothers experience the harmful stressor
12 of deep poverty are more likely to suffer poor health and less likely
13 to succeed academically.

14 (c) Domestic violence causes more health problems among
15 pregnant women than any other single cause. Without the support
16 of the CalWORKs program, low-income pregnant women have
17 few alternatives and are more likely to endure abuse that will cause
18 ~~long~~ long- and short-term harm to both themselves and their unborn
19 fetus.

20 SEC. 3. Section 11450 of the Welfare and Institutions Code,
21 as amended by Section 37 of Chapter 21 of the Statutes of 2013,
22 is amended to read:

23 11450. (a) (1) Aid shall be paid for each needy family, which
24 shall include all eligible brothers and sisters of each eligible
25 applicant or recipient child and the parents of the children, but
26 shall not include unborn children, or recipients of aid under Chapter
27 3 (commencing with Section 12000), qualified for aid under this
28 chapter. In determining the amount of aid paid, and notwithstanding
29 the minimum basic standards of adequate care specified in Section
30 11452, the family's income, exclusive of any amounts considered
31 exempt as income or paid pursuant to subdivision (e) or Section
32 11453.1, determined for the prospective semiannual period
33 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then

calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the child, and her child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(2) Notwithstanding paragraph (1), when the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant woman for each month that she is pregnant, beginning the month ~~after~~ *in* which she submitted verification of her pregnancy to the county, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the woman and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(3) Paragraph (1) shall apply only when the Cal-Learn Program is operative.

(c) The amount of forty-seven dollars (\$47) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program. If that payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the mother, and the child, if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month which, when added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

1 (e) In addition to the amounts payable under subdivision (a)
2 and Section 11453.1, a family shall be entitled to receive an
3 allowance for recurring special needs not common to a majority
4 of recipients. These recurring special needs shall include, but not
5 be limited to, special diets upon the recommendation of a physician
6 for circumstances other than pregnancy, and unusual costs of
7 transportation, laundry, housekeeping services, telephone, and
8 utilities. The recurring special needs allowance for each family
9 per month shall not exceed that amount resulting from multiplying
10 the sum of ten dollars (\$10) by the number of recipients in the
11 family who are eligible for assistance.

12 (f) After a family has used all available liquid resources, both
13 exempt and nonexempt, in excess of one hundred dollars (\$100),
14 with the exception of funds deposited in a restricted account
15 described in subdivision (a) of Section 11155.2, the family shall
16 also be entitled to receive an allowance for nonrecurring special
17 needs.

18 (1) An allowance for nonrecurring special needs shall be granted
19 for replacement of clothing and household equipment and for
20 emergency housing needs other than those needs addressed by
21 paragraph (2). These needs shall be caused by sudden and unusual
22 circumstances beyond the control of the needy family. The
23 department shall establish the allowance for each of the
24 nonrecurring special need items. The sum of all nonrecurring
25 special needs provided by this subdivision shall not exceed six
26 hundred dollars (\$600) per event.

27 (2) Homeless assistance is available to a homeless family
28 seeking shelter when the family is eligible for aid under this
29 chapter. Homeless assistance for temporary shelter is also available
30 to homeless families which are apparently eligible for aid under
31 this chapter. Apparent eligibility exists when evidence presented
32 by the applicant, or which is otherwise available to the county
33 welfare department, and the information provided on the
34 application documents indicate that there would be eligibility for
35 aid under this chapter if the evidence and information were verified.
36 However, an alien applicant who does not provide verification of
37 his or her eligible alien status, or a woman with no eligible children
38 who does not provide medical verification of pregnancy, is not
39 apparently eligible for purposes of this section.

1 A family is considered homeless, for the purpose of this section,
2 when the family lacks a fixed and regular nighttime residence; or
3 the family has a primary nighttime residence that is a supervised
4 publicly or privately operated shelter designed to provide temporary
5 living accommodations; or the family is residing in a public or
6 private place not designed for, or ordinarily used as, a regular
7 sleeping accommodation for human beings. A family is also
8 considered homeless for the purpose of this section if the family
9 has received a notice to pay rent or quit. The family shall
10 demonstrate that the eviction is the result of a verified financial
11 hardship as a result of extraordinary circumstances beyond their
12 control, and not other lease or rental violations, and that the family
13 is experiencing a financial crisis that could result in homelessness
14 if preventative assistance is not provided.

15 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
16 a day shall be available to families of up to four members for the
17 costs of temporary shelter, subject to the requirements of this
18 paragraph. The fifth and additional members of the family shall
19 each receive fifteen dollars (\$15) per day, up to a daily maximum
20 of one hundred twenty-five dollars (\$125). County welfare
21 departments may increase the daily amount available for temporary
22 shelter as necessary to secure the additional bedspace needed by
23 the family.

24 (ii) This special need shall be granted or denied immediately
25 upon the family's application for homeless assistance, and benefits
26 shall be available for up to three working days. The county welfare
27 department shall verify the family's homelessness within the first
28 three working days and if the family meets the criteria of
29 questionable homelessness established by the department, the
30 county welfare department shall refer the family to its early fraud
31 prevention and detection unit, if the county has such a unit, for
32 assistance in the verification of homelessness within this period.

33 (iii) After homelessness has been verified, the three-day limit
34 shall be extended for a period of time which, when added to the
35 initial benefits provided, does not exceed a total of 16 calendar
36 days. This extension of benefits shall be done in increments of one
37 week and shall be based upon searching for permanent housing
38 which shall be documented on a housing search form; good cause;
39 or other circumstances defined by the department. Documentation
40 of a housing search shall be required for the initial extension of

1 benefits beyond the three-day limit and on a weekly basis thereafter
2 as long as the family is receiving temporary shelter benefits. Good
3 cause shall include, but is not limited to, situations in which the
4 county welfare department has determined that the family, to the
5 extent it is capable, has made a good faith but unsuccessful effort
6 to secure permanent housing while receiving temporary shelter
7 benefits.

8 (B) A nonrecurring special need for permanent housing
9 assistance is available to pay for last month's rent and security
10 deposits when these payments are reasonable conditions of securing
11 a residence, or to pay for up to two months of rent arrearages, when
12 these payments are a reasonable condition of preventing eviction.

13 The last month's rent or monthly arrearage portion of the
14 payment (i) shall not exceed 80 percent of the family's total
15 monthly household income without the value of CalFresh benefits
16 or special needs for a family of that size and (ii) shall only be made
17 to families that have found permanent housing costing no more
18 than 80 percent of the family's total monthly household income
19 without the value of CalFresh benefits or special needs for a family
20 of that size.

21 However, if the county welfare department determines that a
22 family intends to reside with individuals who will be sharing
23 housing costs, the county welfare department shall, in appropriate
24 circumstances, set aside the condition specified in clause (ii) of
25 the preceding paragraph.

26 (C) The nonrecurring special need for permanent housing
27 assistance is also available to cover the standard costs of deposits
28 for utilities which are necessary for the health and safety of the
29 family.

30 (D) A payment for or denial of permanent housing assistance
31 shall be issued no later than one working day from the time that a
32 family presents evidence of the availability of permanent housing.
33 If an applicant family provides evidence of the availability of
34 permanent housing before the county welfare department has
35 established eligibility for aid under this chapter, the county welfare
36 department shall complete the eligibility determination so that the
37 denial of or payment for permanent housing assistance is issued
38 within one working day from the submission of evidence of the
39 availability of permanent housing, unless the family has failed to

1 provide all of the verification necessary to establish eligibility for
2 aid under this chapter.

3 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
4 for the temporary shelter assistance and the permanent housing
5 assistance pursuant to this paragraph shall be limited to one period
6 of up to 16 consecutive calendar days of temporary assistance and
7 one payment of permanent assistance. Any family that includes a
8 parent or nonparent caretaker relative living in the home who has
9 previously received temporary or permanent homeless assistance
10 at any time on behalf of an eligible child shall not be eligible for
11 further homeless assistance. Any person who applies for homeless
12 assistance benefits shall be informed that the temporary shelter
13 benefit of up to 16 consecutive days is available only once in a
14 lifetime, with certain exceptions, and that a break in the consecutive
15 use of the benefit constitutes permanent exhaustion of the
16 temporary benefit.

17 (ii) A family that becomes homeless as a direct and primary
18 result of a state or federally declared natural disaster shall be
19 eligible for temporary and permanent homeless assistance.

20 (iii) A family shall be eligible for temporary and permanent
21 homeless assistance when homelessness is a direct result of
22 domestic violence by a spouse, partner, or roommate; physical or
23 mental illness that is medically verified that shall not include a
24 diagnosis of alcoholism, drug addiction, or psychological stress;
25 or, the uninhabitability of the former residence caused by sudden
26 and unusual circumstances beyond the control of the family
27 including natural catastrophe, fire, or condemnation. These
28 circumstances shall be verified by a third-party governmental or
29 private health and human services agency, except that domestic
30 violence may also be verified by a sworn statement by the victim,
31 as provided under Section 11495.25. Homeless assistance payments
32 based on these specific circumstances may not be received more
33 often than once in any 12-month period. In addition, if the domestic
34 violence is verified by a sworn statement by the victim, the
35 homeless assistance payments shall be limited to two periods of
36 not more than 16 consecutive calendar days of temporary assistance
37 and two payments of permanent assistance. A county may require
38 that a recipient of homeless assistance benefits who qualifies under
39 this paragraph for a second time in a 24-month period participate
40 in a homelessness avoidance case plan as a condition of eligibility

1 for homeless assistance benefits. The county welfare department
2 shall immediately inform recipients who verify domestic violence
3 by a sworn statement pursuant to clause (iii) of the availability of
4 domestic violence counseling and services, and refer those
5 recipients to services upon request.

6 (iv) If a county requires a recipient who verifies domestic
7 violence by a sworn statement to participate in a homelessness
8 avoidance case plan pursuant to clause (iii), the plan shall include
9 the provision of domestic violence services, if appropriate.

10 (v) If a recipient seeking homeless assistance based on domestic
11 violence pursuant to clause (iii) has previously received homeless
12 avoidance services based on domestic violence, the county shall
13 review whether services were offered to the recipient and consider
14 what additional services would assist the recipient in leaving the
15 domestic violence situation.

16 (vi) The county welfare department shall report to the
17 department through a statewide homeless assistance payment
18 indicator system, necessary data, as requested by the department,
19 regarding all recipients of aid under this paragraph.

20 (F) The county welfare departments, and all other entities
21 participating in the costs of the CalWORKs program, have the
22 right in their share to any refunds resulting from payment of the
23 permanent housing. However, if an emergency requires the family
24 to move within the 12-month period specified in subparagraph
25 (E), the family shall be allowed to use any refunds received from
26 its deposits to meet the costs of moving to another residence.

27 (G) Payments to providers for temporary shelter and permanent
28 housing and utilities shall be made on behalf of families requesting
29 these payments.

30 (H) The daily amount for the temporary shelter special need for
31 homeless assistance may be increased if authorized by the current
32 year's Budget Act by specifying a different daily allowance and
33 appropriating the funds therefor.

34 (I) No payment shall be made pursuant to this paragraph unless
35 the provider of housing is a commercial establishment, shelter, or
36 person in the business of renting properties who has a history of
37 renting properties.

38 (g) The department shall establish rules and regulations ensuring
39 the uniform application statewide of this section.

1 (h) The department shall notify all applicants and recipients of
2 aid through the standardized application form that these benefits
3 are available and shall provide an opportunity for recipients to
4 apply for the funds quickly and efficiently.

5 (i) Except for the purposes of Section 15200, the amounts
6 payable to recipients pursuant to Section 11453.1 shall not
7 constitute part of the payment schedule set forth in subdivision
8 (a).

9 The amounts payable to recipients pursuant to Section 11453.1
10 shall not constitute income to recipients of aid under this section.

11 (j) For children receiving Kin-GAP pursuant to Article 4.5
12 (commencing with Section 11360) or Article 4.7 (commencing
13 with Section 11385) there shall be paid, exclusive of any amount
14 considered exempt as income, an amount of aid each month, which,
15 when added to the child's income, is equal to the rate specified in
16 Sections 11364 and 11387.

17 (k) (1) This section shall become operative on April 1, 2013.
18 A county shall implement the semiannual reporting requirements
19 in accordance with the act that added this section no later than
20 October 1, 2013.

21 (2) Upon implementation described in paragraph (1), each
22 county shall provide a certificate to the director certifying that
23 semiannual reporting has been implemented in the county.

24 (3) Upon filing the certificate described in paragraph (2), a
25 county shall comply with the semiannual reporting provisions of
26 this section.

27 SEC. 4. No appropriation pursuant to Section 15200 of the
28 Welfare and Institutions Code shall be made for purposes of this
29 act.